

UNITED STATES BANKRUPTCY COURT
District of New Jersey

IN RE: **Kyle E. Hesson**
Tamiko P. Hesson

Debtor(s)

Case No.: 16-10654

Judge: _____

Chapter: 13

CHAPTER 13 PLAN AND MOTIONS - AMENDED

☐ Original

☐ Motions Included

☒ Modified/Notice Required

☐ Modified/No Notice Required

☒ Discharge Sought

☐ No Discharge Sought

Date: _____

THE DEBTOR HAS FILED FOR RELIEF UNDER
 CHAPTER 13 OF THE BANKRUPTCY CODE.

YOUR RIGHTS WILL BE AFFECTED.

You should have received from the court a separate *Notice of the Hearing on Confirmation of Plan*, which contains the date of the confirmation hearing on the Plan proposed by the Debtor. This document is the actual Plan proposed by the Debtor to adjust debts. You should read these papers carefully and discuss them with your attorney. Anyone who wishes to oppose any provision of this Plan or any motion included in it must file a written objection within the time frame stated in the Notice. **This Plan may be confirmed and become binding, and included motions may be granted without further notice or hearing, unless written objection is filed before the deadline stated in the Notice.**

**YOU SHOULD FILE A PROOF OF CLAIM BY THE DEADLINE STATED
 IN THE NOTICE TO RECEIVE DISTRIBUTIONS UNDER ANY PLAN
 THAT MAY BE CONFIRMED, EVEN IF THE PLAN REFERS TO YOUR CLAIM**

Part 1: Payment and Length of Plan

a. The Debtor shall pay 418.00 Monthly* to the Chapter 13 Trustee, starting on February 1, 2016 for approximately 42 months.

b. The Debtor shall make plan payments to the Trustee from the following sources:

☒ Future Earnings

☐ Other sources of funding (describe source, amount and date when funds are available):

c. Use of real property to satisfy plan obligations:

- ☐ Sale of real property

Description:

Proposed date for completion: _____

- ☐ Refinance of real property

Description:

Proposed date for completion: _____

- ☐ Loan modification with respect to mortgage encumbering property

Description:

Proposed date for completion: _____

- d. ☐ The regular monthly mortgage payment will continue pending the sale, refinance or loan modification.

- e. ☐ Other information that may be important relating to the payment and length of plan:

Part 2: Adequate Protection

a. Adequate protection payments will be made in the amount of \$_____ to be paid to the Chapter 13 Trustee and disbursed pre-confirmation to _____ (creditor).

b. Adequate protection payments will be made in the amount of \$_____ to be paid directly by the debtor(s) outside of the Plan, pre-confirmation to _____ (creditor).

Part 3: Priority Claims (Including Administrative Expenses)

All allowed priority claims will be paid in full unless the creditor agrees otherwise:

Creditor	Type of Priority	Amount to be Paid
Kevin Fayette, Esquire KF1039	Attorney Fees	2,310.00
Internal Revenue Service	Taxes and certain other debts	2,950.66
State of New Jersey	Taxes and certain other debts	5,903.67

Part 4: Secured Claims

a. Curing Default and Maintaining Payments

The Debtor shall pay to the Trustee (as part of the Plan) allowed claims for arrearages on monthly obligations and the Debtor shall pay directly to the creditor (outside the Plan) monthly obligations due after the bankruptcy filing as follows:

Creditor	Collateral or Type of Debt	Arrearage	Interest Rate on Arrearage	Amount to be Paid to Creditor (In Plan)	Regular Monthly Payment (Outside Plan)
Township of Burlington Water & Sewer	14 New York Avenue Burlington, NJ 08016 Burlington County Purchased by Debtors in December, 2002 for \$200,000.00	2,430.00	0.00	2,430.00	0.00

b. Modification

1.) The Debtor values collateral as indicated below. If the claim may be modified under Section 1322(b)(2), the secured creditor shall be paid the amount listed as the "Value of the Creditor Interest in Collateral," plus interest as stated. The portion of any allowed claim that exceeds that value shall be treated as an unsecured claim. If a secured claim is identified as having "NO VALUE" it shall be treated as an unsecured claim.

NOTE: A modification under this section ALSO REQUIRES the appropriate motion to be filed under Section 7 of the Plan.

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Superior Liens	Value of Creditor Interest in Collateral	Annual Interest Rate	Total Amount to Be Paid
-NONE-							

2.) Where the Debtor retains collateral and completes the Plan, payment of the full amount of the allowed secured claim shall discharge the corresponding lien.

c. Surrender

Upon confirmation, the stay is terminated as to surrendered collateral. The Debtor surrenders the following collateral:

Creditor	Collateral to be Surrendered	Value of Surrendered Collateral	Remaining Unsecured Debt
M&T Bank	14 New York Avenue Burlington, NJ 08016 Burlington County Purchased by Debtors in December, 2002 for \$200,000.00	300,000.00	0.00

d. Secured Claims Unaffected by the Plan

The following secured claims are unaffected by the Plan:

Creditor
-NONE-

e. Secured Claims to be paid in full through the Plan

Creditor	Collateral	Total Amount to be Paid through the Plan
-NONE-		

Part 5: Unsecured Claims

a. Not separately classified Allowed non-priority unsecured claims shall be paid:

_____ Not less than \$_____ to be distributed *pro rata*

_____ Not less than _____ percent

 x *Pro Rata* distribution from any remaining funds

b. Separately Classified Unsecured Claims shall be treated as follows:

Creditor	Basis for Separate Classification	Treatment	Amount to be Paid
-NONE-			

Part 6: Executory Contracts and Unexpired Leases

All executory contracts and unexpired leases are rejected, except the following, which are assumed:

Creditor	Nature of Contract or Lease	Treatment by Debtor
-NONE-		

Part 7: Motions

NOTE: All plans containing motions must be served on all potentially affected creditors, together with local form, Notice of Chapter 13 Plan Transmittal, within the time and in the manner set forth in D.N.J. LBR 3015-1. A Certification of Service must be filed with the Clerk of Court when the plan and transmittal notice are served.

a. Motion to Avoid Liens under 11 U.S.C. Section 522(f).

The Debtor moves to avoid the following liens that impair exemptions:

Creditor	Nature of Collateral	Type of Lien	Amount of Lien	Value of Collateral	Amount of Claimed Exemption	Sum of All Other Liens Against the Property	Amount of Lien to be Avoided
-NONE-							

b. Motion to Avoid Liens and Reclassify Claim from Secured to Completely Unsecured.

The Debtor moves to reclassify the following claims as unsecured and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Amount of Lien to be Reclassified
-NONE-		

c. Motion to Partially Void Liens and Reclassify Underlying Claims as Partially Secured and Partially Unsecured.

The Debtor moves to reclassify the following claims as partially secured and partially unsecured, and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Amount to be Deemed Secured	Amount to be Reclassified as Unsecured
-NONE-			

Part 8: Other Plan Provisions

a. Vesting of Property of the Estate

- ☒ Upon Confirmation
☐ Upon Discharge

b. Payment Notices

Creditors and Lessors provided for in Parts 4, 6 or 7 may continue to mail customary notices or coupons to the Debtor notwithstanding the automatic stay.

c. Order of Distribution

The Trustee shall pay allowed claims in the following order:

- 1) Trustee Commissions
- 2) Other Administrative Claims
- 3) Secured Claims
- 4) Lease Arrearages
- 5) Priority Claims
- 6) General Unsecured Claims

d. Post-petition claims

The Trustee ☐ is, ☒ is not authorized to pay post-petition claims filed pursuant to 11 U.S.C. Section 1305(a) in the amount filed by the post-petition claimant.

e. Other Provisions:

*This plan is a step plan or has lumpsum payments as follows: \$418.00 per month for 10 months, then \$465.00 per month for 32 months

Part 9 : Modification

If this plan modifies a plan previously filed in this case, complete the information below.

Date of Plan being modified: 1/14/16.

Explain below why the Plan is being modified.	Explain below how the Plan is being modified
Debtors are in the process of working on loan modification outside the plan. If they are unable to receive loan modification, property will be surrendered.	Debtors are in the process of working on loan modification outside the plan. If they are unable to receive loan modification, property will be surrendered.

Are Schedules I and J being filed simultaneously with this modified Plan? ☐ Yes ☒ No

Part 10: Sign Here

The debtor(s) and the attorney for the debtor (if any) must sign this Plan.

Date November 10, 2016 /s/ Kevin Fayette, Esquire
Kevin Fayette, Esquire KF1039
Attorney for the Debtor

I certify under penalty of perjury that the foregoing is true and correct.

Date: November 10, 2016 /s/ Kyle E. Hesson
Kyle E. Hesson
Debtor

Date: November 10, 2016 /s/ Tamiko P. Hesson
Tamiko P. Hesson
Joint Debtor

Certificate of Notice Page 6 of 7
 United States Bankruptcy Court
 District of New Jersey

In re:
 Kyle E. Hesson
 Tamiko P. Hesson
 Debtors

Case No. 16-10654-MBK
 Chapter 13

CERTIFICATE OF NOTICE

District/off: 0312-3

User: admin
 Form ID: pdf901

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 Total Noticed: 23

Date Rcvd: Nov 14, 2016

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Nov 16, 2016.

db/jdb +Kyle E. Hesson, Tamiko P. Hesson, 14 New York Avenue, Burlington, NJ 08016-1124
 516044585 Capital One, N.A., c o Becket and Lee LLP, PO Box 3001, Malvern, PA 19355-0701
 515945760 +Credit Control, LLC, P.O. Box 31179, Tampa, FL 33631-3179
 516164242 Department Store National Bank, c/o Quantum3 Group LLC, PO Box 657,
 Kirkland, WA 98083-0657
 515945762 Emerg Phy Assoc. of S. Jersey P.C., P.O. Box 1109, Minneapolis, MN 55440-1109
 515945764 +Kivitz McKeever Lee, PC, 701 Market Street, Suite 5000, Philadelphia, PA 19106-1541
 516003189 Lourdes Medical Center, PO Box 820869, Philadelphia, PA 19182-0869
 515945765 Lourdes Medical Center of Burlington Cty, Patient Financial Services, P.O. Box 822112,
 Philadelphia, PA 19182-2112
 515945768 Rushmore Service Center, PO Box 5508, Sioux Falls, SD 57117-5508
 516050895 ++STATE OF NEW JERSEY, DIVISION OF TAXATION BANKRUPTCY UNIT, PO BOX 245,
 TRENTON NJ 08646-0245
 (address filed with court: State Of New Jersey, Division Of Taxation, Bankruptcy Section,
 PO Box 245, Trenton, NJ 08695-0245)
 515945770 +Township of Burlington Water & Sewer, 851 Old York Road, Burlington, NJ 08016-3829
 515945771 Virtua Health, PO Box 6010, Bellmawr, NJ 08099-6010

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
 smg E-mail/Text: usanj.njbankr@usdoj.gov Nov 14 2016 23:32:07 U.S. Attorney, 970 Broad St.,
 Room 502, Rodino Federal Bldg., Newark, NJ 07102-2534

smg +E-mail/Text: ustpregion03.ne.ecf@usdoj.gov Nov 14 2016 23:32:02 United States Trustee,
 Office of the United States Trustee, 1085 Raymond Blvd., One Newark Center, Suite 2100,
 Newark, NJ 07102-5235

lm E-mail/Text: camanagement@mtb.com Nov 14 2016 23:31:45 M&T Bank, PO Box 1288,
 Buffalo, NY 14240-1288

515945759 E-mail/Text: bkrpt@retrievalmasters.com Nov 14 2016 23:32:00

American Medical Collection Agency, PO Box 1235, Elmsford, NY 10523-0935

515945761 E-mail/Text: creditonebknotifications@resurgent.com Nov 14 2016 23:31:14 Credit One Bank,
 PO Box 60500, City Of Industry, CA 91716-0500

516061175 E-mail/Text: cio.bncmail@irs.gov Nov 14 2016 23:31:37 Dept of Treasury IRS, POB 7346,
 Philadelphia, PA 19101-7346

516142802 E-mail/PDF: resurgentbknotifications@resurgent.com Nov 14 2016 23:27:36

LVNV Funding, LLC its successors and assigns as, assignee of FNBK, LLC,
 Resurgent Capital Services, PO Box 10587, Greenville, SC 29603-0587

516015726 +E-mail/Text: camanagement@mtb.com Nov 14 2016 23:31:45 Lakeview Loan Servicing, LLC,
 C/O M&T BANK, PO BOX 1288, Buffalo, NY 14240-1288

515945766 E-mail/Text: camanagement@mtb.com Nov 14 2016 23:31:45 M&T Bank, P.O. Box 62182,
 Baltimore, MD 21264-2182

516155549 +E-mail/Text: JCAP_BNC_Notices@jcap.com Nov 14 2016 23:32:26 Premier Bankcard, LLC,
 c o Jefferson Capital Systems LLC, Po Box 7999, Saint Cloud Mn 56302-7999

515945767 +E-mail/PDF: resurgentbknotifications@resurgent.com Nov 14 2016 23:27:36
 Resurgent Capital Services, PO Box 10587, Greenville, SC 29603-0587

TOTAL: 11

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****

515945758 Albert Russo, Standing Chapter 13 Trustee
 aty* +Kivitz McKeever Lee, PC, 701 Market Street, Suite 5000, Philadelphia, PA 19106-1541

516077540* CAPITAL ONE, N.A., C/O BECKET AND LEE LLP, PO BOX 3001, MALVERN, PA 19355-0701

515945763* ++INTERNAL REVENUE SERVICE, CENTRALIZED INSOLVENCY OPERATIONS, PO BOX 7346,
 PHILADELPHIA PA 19101-7346

(address filed with court: Internal Revenue Service, PO Box 724,
 Springfield, NJ 07081-0724)

515992381* Internal Revenue Service, P.O. Box 7346, Philadelphia, PA 19101-7346

515945769* ++STATE OF NEW JERSEY, DIVISION OF TAXATION BANKRUPTCY UNIT, PO BOX 245,
 TRENTON NJ 08646-0245

(address filed with court: State of New Jersey, Division of Taxation, P.O. Box 245,
 Trenton, NJ 08695-0245)

TOTALS: 1, * 5, ## 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
 USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '++' were redirected to the recipient's preferred mailing address
 pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.PR.2002(g)(4).

District/off: 0312-3

User: admin
Form ID: pdf901

Page 2 of 2
Total Noticed: 23

Date Rcvd: Nov 14, 2016

***** BYPASSED RECIPIENTS (continued) *****

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Nov 16, 2016

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on November 10, 2016 at the address(es) listed below:

Albert Russo	on behalf of Trustee Albert Russo	docs@russotrustee.com
Albert Russo		docs@russotrustee.com
Denise E. Carlon	on behalf of Creditor Lakeview Loan Servicing, LLC	dcarlon@kmlawgroup.com,
		bkgroup@kmlawgroup.com
Kevin C. Fayette	on behalf of Debtor Kyle E. Hesson	lawoffices@quigleyfayette.com
Kevin C. Fayette	on behalf of Joint Debtor Tamiko P. Hesson	lawoffices@quigleyfayette.com
		TOTAL: 5